

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Clark et al.

Appl. No. : 09/414,384

Filed : October 7, 1999

For : FLOW RESISTANCE
MODULATED AEROSOLIZED
ACTIVE AGENT DELIVERY

Examiner : BAWA, R.



Group Art Unit 1615

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

Kathy Honnert
(Date)
2/26/01
Kathy Honnert

RESPONSE TO RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated January 26, 2001, please consider the following amendments and remarks with respect to the above-captioned application. A clean set of the pending claims is provided for the convenience of the Examiner.

IN THE CLAIMS

Please cancel claims 1, 2 and 4-19.

Please add the following new claims:

21. A device for controlling the delivery of an aerosolized active agent to the lungs of a human patient, said device comprising a flow resistance modulator that provides a high flow resistance of at least $0.4 \text{ (cm H}_2\text{O)}^{1/2} / \text{SLM}$ and subsequently provides a lower flow resistance.

22. A device according to claim 21 wherein the high flow resistance is a resistance of between 0.4 and $2 \text{ (cmH}_2\text{O)}^{1/2} \text{SLM}$.

LT
8-10-01
Rmdr
9/13